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15 UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
16 SAN JOSE DIVISION

17 IN RE CELERA CORP. DERIVATIVE ) Case No. C 10-02935 JW  
LITIG. )  
18 \_\_\_\_\_ )  
19 This Document Relates To: ) STIPULATION AND [PROPOSED] ORDER  
CONTINUING CASE MANAGEMENT  
CONFERENCE  
20 ALL ACTIONS )  
21 \_\_\_\_\_ )  
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1        WHEREAS, on July 2 and 9, 2010, plaintiffs Alan R. Kahn and Betty Greenberg  
2 ("Plaintiffs"), filed shareholder derivative actions against nominal defendant Celera Corporation  
3 ("Celera") and certain of the officers and directors of Celera alleging breach of fiduciary duty,  
4 waste of corporate assets, and unjust enrichment;

5        WHEREAS, on August 11, 2010 (Dkt. No. 7), the Court related both actions to the  
6 securities class action *Washtenaw County Employees' Retirement System v. Celera Corporation, et*  
7 *al.*, Case No. C 10-02604- JW filed on June 14, 2010;

8        WHEREAS, on September 23, 2010, the Court entered an order consolidating the two  
9 pending derivative actions and directed Plaintiffs to file a consolidated complaint on or before  
10 October 15, 2010 (Dkt. No. 13);

11      WHEREAS, pursuant to the order entered on September 23, 2010, defendants shall respond  
12 to the Consolidated Complaint within 60 days of service, and the opposition and reply briefs shall  
13 be filed 60 and 30 days, respectively, of the any motion directed at the Consolidated Complaint;

14      WHEREAS, pursuant to the order entered on September 23, 2010, the Court also set a case  
15 management conference for November 15, 2010 at 10:00 a.m.;

16      WHEREAS, on October 15, 2010, Plaintiffs filed the Consolidated Verified Shareholder  
17 Derivative Complaint for Breach of Fiduciary Duty, Waste of Corporate Assets, and Unjust  
18 Enrichment (Dkt. No. 16);

19      WHEREAS, consistent with the Court's September 23, 2010 order, the following briefing  
20 schedule governs any motion directed at the consolidated derivative action:

- 21      1.     Defendants' responsive pleadings shall be filed on or before December 14, 2010;  
22      2.     Plaintiffs shall file an opposition on or before February 14, 2011; and  
23      3.     Defendants shall file a reply on or before March 16, 2011.

24      WHEREAS, on November 2, 2010, the Court set March 7, 2011, as the date for the Case  
25 Management Conference in the related securities class action *Washtenaw County Employees'*  
26 *Retirement System v. Celera Corporation, et al.*, Case No. C 10-02604- JW.

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1 NOW THEREFORE, in the interest of judicial economy, the parties, by and through their  
2 undersigned counsel of record, hereby agree and stipulate as follows:

3 The case management conference currently scheduled for November 15, 2010 at 10:00 a.m.  
4 shall be continued to March 28, 2011 at 10:00 a.m. On or before **March 18, 2011**, the parties  
5 shall file a Joint Case Management Conference statement.

6

7 DATED: November 5, 2010

ROBBINS UMEDA LLP  
MARC M UMEDA  
GEORGE C. AGUILAR  
JULIA M. WILLIAMS

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/s/George C. Aguilar  
GEORGE C. AGUILAR

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Co-Lead Counsel for Plaintiffs

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DATED: November 5, 2010

MORRISON & FOERSTER LLP  
JORDAN ETH  
JUDSON LOBDELL  
DANIEL J. VECCHIO

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/s/ Judson Lobdell  
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Counsel for nominal defendant Celera Corporation and individual defendants Kathy Ordonez, Joel R. Jung, and Ugo Deblasi William G. Green, Richard H. Ayers, Jean-Luc Belingard, Gail K. Naughton, Wayne L. Roe, Peter Barton Hutt, and Bennett M. Shapiro

I, George C. Aguilar, am the ECF User whose ID and password are being used to file this Stipulation and [Proposed] Order Continuing Case Management Conference. In compliance with General Order No. 45, X.B., I hereby attest that Judson Lobdell has concurred in this filing.

/s/ George C. Aguilar  
GEORGE C. AGUILAR

\* \* \*

## ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

November 2, 2010



THE HONORABLE JAMES WARE  
UNITED STATES DISTRICT JUDGE

1                   **CERTIFICATE OF SERVICE**

2                   I hereby certify that on November 5, 2010, I electronically filed the foregoing with the  
3 Clerk of Court using the CM/ECF system which will send notification of such filing to the e-mail  
4 addresses on the Electronic Mail Notice List. I hereby certify that I have sent notification and  
5 served a copy of the filing via U.S. mail to the following parties listed below.

6                   **VIA U.S. MAIL**

7                   Harold B. Obstfeld  
8                   HAROLD B. OBSTFELD, P.C.  
9                   100 Park Avenue, 20th Floor  
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12                  Jordan Eth  
13                  Judson Lobdell  
14                  Daniel J. Vecchio  
15                  425 Market Street  
16                  San Francisco, CA 94105

17                  I certify under penalty of perjury under the laws of the United States of America that the  
18 foregoing is true and correct. Executed on November 5, 2010.

19                  \_\_\_\_\_  
20                  /s/ George C. Aguilar  
21                  GEORGE C. AGUILAR

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